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August 22, 2022

By ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Government Employees Insurance Co. v. Errol C. Mallett, M.D., et al.
Docket No.: 1:22-cv-03661-KAM-VMS

Dear Judge Matsumoto:

As the Court is aware, we represent Plaintiffs (“GEICO” or Plaintiffs”) in the above-captioned proceeding. This correspondence is to update the Court on conversations between Plaintiffs and newly retained counsel for Defendants Errol C. Mallett, M.D., Errol C. Mallett Medical, P.C., and 334 Grand Concourse Medical, P.C. (collectively, “Defendants”, with Plaintiffs, the “Parties”) as it relates to the August 15, 2022 pre-motion conference with the Court. See August 15, 2022, Minute Entry.

After the August 15th pre-motion conference, Mark L. Furman, Esq. appeared on behalf of Defendants. See D.E. 20. The Parties met and conferred on several issues, including the Defendants’ defaults, answering the complaint, and the pending motion before the Court. The Parties resolved all issues by entering into the attached stipulation, which vacates the Defendants’ default, extends the Defendants’ time to answer through September 22nd, and resolves GEICO’s forthcoming motion by stipulating to: (i) staying all the pending collection arbitrations by Defendants against GEICO, pending the final outcome of the present action; (ii) staying all pending collection lawsuits filed by the Defendants against GEICO, pending the final outcome of the present action; and (iii) enjoining the Defendants from filing new lawsuits and/or arbitrations against GEICO pending the final outcome of the present action.

Accordingly, the Parties request that the Court: (i) vacate the Defendants’ defaults entered at Docket Entry Nos. 17-19; (ii) extend the Defendants’ time to answer through September 22, 2022; (iii) So Order the attached stipulation; and (iv) adjourn all deadlines set forth in the August 15, 2022, Minute Entry *sine die*.

We believe that the attached stipulation should be So-Ordered because there are collection attorneys who are prosecuting the collection lawsuits and/or arbitrations that, from experience, may be unwilling to follow any instruction short of a court order.

We appreciate the Court’s attention to this matter.

Government Employees Insurance Co. v. Errol C. Mallett, M.D., et al.

August 22, 2022

Page 2

Respectfully submitted,

RIVKIN RADLER LLP

Michael Vanunu

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cc: All Counsel of Record via ECF